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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Section 90.239)
of the Commission's Rules to)
Adopt Permanent Regulations)
for Automatic Vehicle)
Monitoring Systems)

RM No. 8013

REPLY COMMENTS OF
LOCATION SERVICES

1. Location Services ("LS"), by its attorneys, hereby submits its reply comments in response to various pleadings filed by the parties on July 23, 1992 in connection with above-referenced Petition For Rulemaking filed by North American Teletrac and Location Technologies, Inc. ("Petitioner") with the Federal Communications Commission ("FCC").

2. As stated previously in its Comments on Teletrac's Petition for Rulemaking, LS generally supports their proposal. However, other parties are asking the Commission to adjust the rules to place themselves in the most favorable licensing position before the basic issues raised by Teletrac are addressed.

3. MobileVision has attempted to craft the licensing rules around its own unique situation rather than approach the situation as Teletrac did, recognizing that all existing license holders have the FCC authorization to construct a system and

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simply need the requisite time-frame for the completion of development and construction depending upon the number of licenses held. Applicants with the licenses or more in major cities require additional time for construction. Teletrac's own experience in major cities to establish an "interference free" system has limited their commercial market start-ups to four markets in about as many years of construction and optimization.

A Joint License Condition Exists in Major Markets

4. MobileVision proposes (p. 16) that: "A first-in-time applicant who meets those requirements (technical showing) and who otherwise qualifies for its license should hold the sole license on its band subject to meeting applicable construction requirements."

5. LS agrees with Teletrac that a first come, first served basis is appropriate with license applicants. However, the situation that currently exists in ten major markets with two licensees, LS and METS/Ameritech, should be considered separately since a joint license condition exists. Thus, the first-in-time concept advanced by MobileVision is an attempt to change the existing rules to one that may favor MobileVision.^{1/}

^{1/} All of the LS licenses that were renewed in March 1991 was first granted in October, 1989.

**Teletrac Has Shown That Any Licensee
With 10 or More Markets
Requires Up to 10 Years to Construct**

6. MobileVision states (p.16): "Therefore, while MobileVision proposes eight months may be insufficient to build out a ten city AVM system, Teletrac's proposal for a ten year build out may be too long. Therefore, MobileVision proposes that a licensee in more than nine markets but less than twenty-five markets must build out its system in three years. A licensee in twenty-five markets or more markets will be entitled to a ten year build out schedule subject to the milestones set out in Teletrac's petition."

LS agrees with Teletrac (p.5 proposed rules):

(iv) an entity granted an authorization prior to [effective date of new rules] or licensed for operation in one of the 8 MHz segments (904-912 MHz or 918-926 MHz) in ten or more markets must complete construction [alternative language suggested]

Alternative A - in all markets within 10 years.

Alternative B - according to the following schedule:

In at least 10 percent of such markets within 2 years;
In at least 40 percent of such markets within 4 years;
IN at least 60 percent of such markets within 6 years;
and in all markets within 10 years.

7. Authorization for those stations not in compliance with these construction requirements shall cancel automatically.

8. What is apparent from MobileVision's proposal is that it wishes to fashion the rules around their unique license situation. According to Pinpoint Communications' Opposition Petition to RM 8013 (p.23), MobileVision has licenses in 330 locations with 95 pending applications suggesting that they exceed their 25 city criteria and would qualify for their recommended 10 year construction guideline. Clearly construction of 10 major cities is a goal that Teletrac still has been unable to meet and consequently, the experience of the only commercial AVM operator should be a more qualified source than a non-operational licensee such as MobileVision.

**"Narrowband" Applications Located in
Wide Band Frequency Assignments**

9. There are Automated Equipment Identification (AEI) service providers and users that have opposed Teletrac's petition based on the concern that the wideband (8 MHz in upper and lower bands) would no longer be available to them. The issue is not AEI service providers' right to frequency spectrum, but the appropriateness of their application to be located in a designated wideband frequency assignment.

10. Amtech and others oppose the Teletrac petition based on their concern of losing spectrum rights for additional and future development in the wideband frequency assignment. While LS understands their concern and generally supports their

opportunity to access frequency spectrum, we further note that the Teletrac proposal still provides opportunities for development in the narrowband areas of which Amtech more appropriately belongs, since Amtech's technology essentially uses 800 kHz of spectrum and can be accommodated in the 1 MHz of spectrum set aside.

11. Amtech's apparent rationale is that their existence in the broad-band AVM spectrum grandfathers their classification as a wideband system, yet this does not establish this assertion as fact. LS believes the underlying basis for the FCC establishing spectrum for wide-band and narrow-band AVM schemes still holds and should not be dismissed or ignored (as implied by Amtech's petition) since Amtech is narrowband by definition, if it can operate in the narrowband spectrum of 1 MHz established.

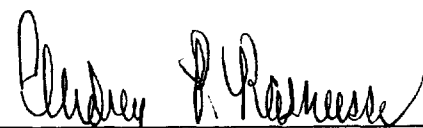
12. The mixing of two systems in the same band has the resulting effect of limiting the bandwidth available to wideband systems. Any system's performance is best in a clean spectrum. Although coding schemes exists to suppress or reduce co-channel interference, even these approaches seek out and rely heavily on operating in clean spectrum. By overlaying the two-type systems, wide-band operators will typically find themselves unable to utilize spectrum where co-channel narrowband systems conduct operations. This, therefore, would have the direct effect of

limiting bandwidth available to wideband system. Furthermore, if one proposes co-existence, then the technical requirements for that co-existence must be known and acceptable to all parties seeking co-existence.

Respectfully submitted,

LOCATION SERVICES

By:



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Its Attorneys

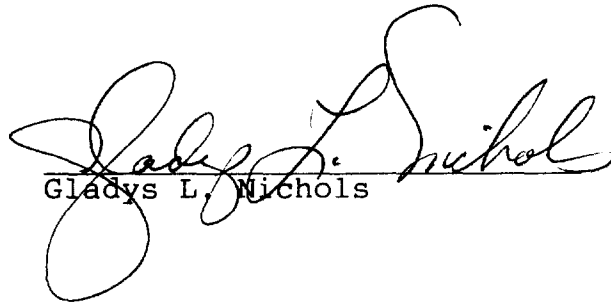
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Dated: August 7, 1992

CERTIFICATE OF SERVICE

I, Gladys L. Nichols, do hereby certify that on this 7th day of August, 1992, the foregoing **REPLY COMMENTS OF LOCATION SERVICES** was served to the following persons by First Class Mail:

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